IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

Bail Appl..No. 4004 of 2007()

CRIME NO.485/07 OF KALAMASSERI POLICE STATION

PETITIONER/ACCUSED 4

SATHISHKUMAR, S/O.GOPINATHAN NAIR,
MEENCHIRAKALAM, PERINTHRIKKOVIL, KOLLANGODE,
CHITTUR TALUK, PALAKKAD.

BY ADV. SRI.C.RAGHAVAN

RESPONDENTS: COMPLAINANT:

S.I. OF POLICE, KALAMASSERI POLICE
STATION, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/07/2007, ALONG WITH BA NO. 4101 OF 2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.Nos. 4004 & 4101 of 2007

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Dated this the 3rd day of July, 2007

O R D E R

Applications for anticipatory bail. The petitioners are accused 2 and 4 in the same crime registered under Section 498A I.P.C. They are the relatives of the first accused - mother and brother. The defacto complainant had raised allegations of matrimonial cruelty against her husband and his relatives. Crime has been registered Investigation is in progress. The husband has already been arrested and enlarged on bail. The petitioners apprehend imminent arrest.

2. The marriage had taken place only in early 2007. The learned counsel for the petitioners submits that vexatious allegations are being raised against the petitioners with oblique motive. At any rate, exaggerated and fanciful allegations raised by the defacto complainant may not expose the petitioners to suffer the undeserved trauma of arrest and incarceration in prison.

3. The learned Prosecutor does not seriously oppose the application. Appropriate conditions may be imposed, he submits. I am satisfied that this is a fit case where directions under Section 438 Cr.P.C. can be issued in favour of the petitioners.

3. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 11.7.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 12.7.07 and 13.7.2007 and thereafter shall appear on all Mondays and Fridays between 10 a.m. and 12 noon for a period of one month and subsequently as and when directed by the Investigating Officer in writing to do so.

(d) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 11.7.06 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(b) If the petitioners were arrested prior to their surrender on 11.7.2006 as directed in clause (1) above, they shall be released on bail on

their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 11.7.2007.

(R. BASANT)
Judge

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